IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RE:

De Pugh, Donald G.
DEBTOR(S)

BANKRUPTCY CASE NO.:
08-37521-H4-13

CHAPTER 13

OBJECTION TO LVNV Funding LLC'S PROOF OF CLAIM (#12)

Notice

This is an objection to your claim. The objecting party is asking the court to disallow the claim that you filed in this bankruptcy case. You should immediately contact the objecting party to resolve the dispute. If you do not reach an agreement, you must file a response to this objection and send a copy of your response to the objecting party within 20 days after the objection was served on you. Your response must state why the objection is not valid. If you do not file a response within 20 days after the objection was served on you, your claim may be disallowed.

A hearing has been set on this matter on May 21, 2009 at 11:30 AM in the Federal Courthouse, courtroom 600 on the 6th Floor, 515 Rusk, Houston, Texas.

COME NOW, Debtor, Donald G. De Pugh by and through his attorney of record, John E. Smith, and objects to the claim filed by LVNV Funding LLC , and as grounds therefore states:

I. The claim lists the debt as unsecured, without priority in the amount of $19,060.36, the claim should be disallowed. Claimant does not attach sufficient documents to prove the contract between the parties, its terms, any transfers of the debt, and accounting. The attached statement does not constitute prima facie proof of the debt. The claim should be disallowed for failure to attach supporting documents as required in BR 3001. Debtor is filing an affidavit denying any liability owed to LVNV Funding LLC.

WHEREFORE, Premises Considered, Debtor moves this Court to DISALLOW the Proof of Claim of LVNV Funding LLC..

Respectfully submitted,

JOHN E. SMITH AND ASSOCIATES, P.C.

/S/ John E. Smith

John E. Smith, Attorney for Debtors
ID #6100/TBN 18613275
1235 North Loop West, Suite 1005
Houston, Texas 77008
(713) 861-5699 phone
(713) 861-7173 fax

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CERTIFICATE OF SERVICE

This is to certify that on or about April 6, 2009, a true and accurate copy of this Objection to Proof of Claim has been sent by first class mail postage prepaid to:

TRUSTEE
David Peake, Trustee
9660 Hillcroft
Suite 430
Houston, TX 77096-3856

DEBTOR
Donald G. DePugh
18 Dove Trace Circle
The Woodlands,TX 77382-2584

U.S. TRUSTEE
Richard Simmons
515 Rusk, Suite 3516
Houston, Texas 77002

CLAIMANT

LVNV Funding LLC
Resurgent Capital Services
P O Box 10587
Greenville, SC 29603-0587

/s/ John E. Smith

John E. Smith

IN THE UNITED STATES BANKRUPTCY COURT
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RE:	§	Bankruptcy Case No.:
De Pugh, Donald G.	§	08-37521-H4-13
	§	
	§	
	§	
DEBTOR	§	CHAPTER 13
	§	

AFFIDAVIT

"My name is Donald G. DePugh. I am the Debtor in Case Number 08-37521-H4-13 of the United States Bankruptcy Court for the Southern District of Texas. I reside at 18 Dove Trace Circle, The Woodlands,TX 77382-2584. I do not owe any money to LVNV Funding LLC. I have no proof of the debt, the transfer, or the proper amount owed.

/s/ *Donald G. DePugh* Donald G. DePugh

Debtor - Donald G. DePugh

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED BEFORE ME on 4/6 2009.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 6th day of April 2009.

Estella Lopez

Notary Public
In and For the State of Texas

ESTELLA LOPEZ
Notary Public
State of Texas
My Commission Expires
8-13-12

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CHAPTER 13

ORDER RECLASSIFYING LVNV Funding LLC PROOF OF CLAIM-#12

On this day came for hearing the Debtor's Objection To Proof of Claim filed by LVNV Funding LLC.

The Court having considered Debtor's Objection, it is therefore;

ORDERED that the claim of LVNV Funding LLC (12), is disallowed.

DATE

UNITED STATES BANKRUPTCY JUDGE